Charges and specifications of Charges preferred by the Secretary of the Navy against Thomas up Catesby Jones, a captain in the navy of the United States, to wit:

Charge first.—Fraud against the United States.

Specification first.—In this, that the said Captain Thomas

Ap Catesby Jones, then being in command of the United

States naval forces in the Pacific ocean, on the 31st of Octo-States naval forces in the Pacific ocean, on the 31st of October, in the year of our Lord 1848, off Monterey, Upper California, unlawfully and fraudulently, and for his own private uses, speculations, and gains, did withdraw, and, by color of his office and command aforesaid, cause and procure to be withdrawn from the public use, and from the custody of one Edward D. Reynolds, a purser in the aavy of the United States, then and there charged with the custody thereof for public use, a large sum of money, to wit: the sum of \$10,643 09, of the fund known as the military contribution fund: the said money then and there being of the public

public use, a large sum of money, to wit: the sum of \$10,643 09, of the fund known as the military contribution fund; the said money then and there being of the public moneys of the United States.

Specification second.—In this, that the said Captain Thomas Ap Catesby Jones, then being in command of the United States naval forces in the Pacific ocean, at San Francisco, in California, on the 1st day of November, in the year of our Lord 1848, and on divers days and times between the said first day of November, and the twenty-sixth day of the same month, unlawfully and fraudulently did convert to his own use, and by color of his offices and command aforesaid, unlawfully and fraudulently did cause and procure to be converted to his own use, by adventuring and causing to be adventured the same in his own private speculations and adventures, and by dealing with the same as his own private funde and moneys, divers sums of money, amounting in the whole to \$10,643 09; the same then and there being of the public moneys of the United States.

Specification third. In this, that the said Captain Thomas Ap Catesby Jones, then being in command of the United States naval forces in the Pacific ocean, off Monterey, in Californis, on or about the 31st day of October, in the year of our Lord 1848, fraudulently, and by color of his office and command 'aforesaid, did cause and procure the sum of \$10,-643.09 of the public moneys of the United States, of a certain fund known as the military contribution fund, levied upon Mexico during the war between that Republic and the United States, to be transferred from the custody of one Edward D. Reynolds, a purser in the navy aforesaid, then said Captain Jones's, own use; and unlawfully and fraudulently, and by color of his office and command aforesaid, at Monterey bay, on the 1st day of November, in the year aforesaid, did address and deliver, and cause to be delivered, to the said Purser Wilson, then being under his command aforesaid, the following order, to wit:

"Flag-ship Ohio,
"Monterey

his command aforesaid, the following order, to wit:

"FLAG-SHIP OHIO,
"Monterey Bay, November 1, 1848.

SIR: There being an unexpended balance of several thousand dollars of the military war contribution sum collected at Mazatlan by the squadron during the late war with Mexico, over and above any legitimate claim which I con now foresee as likely to arise against it, and as the inhabitants of Upper Calitornia, and especially the miners in the gold regions, are greatly embarrassed in their dealings and operations for want of a silver circulating medium, you will, on your arrival at San Francisco, exchange so much of the aforesaid fund as may then be in your hands for uncoined gold at the current market price, which gold you will hold subject to my further orders.
"Very respectfully, &c., your obedient servant, "THOS. AP.C. JONES, "Commander-in-Chief United States
"Naval forces, Pacific ocean."
To Purser Joseph Wilson, Esq.,

"To Purser Joseph Wilson, Esq.,
"United States ship Lexington."

And by the means aforesaid, and with the intent aforesaid And by the means storessio, and with the intent storessio, did cause and procure divers quantities of uncoined gold to be procured by the said Purser Wilson, with the public moneys aforesaid, amounting to the sum aforesaid, at San Francisco aforesaid, on the eleventh, fourteenth, fifteenth, seventeenth, aforesaid, on the eleventh, fourteenth, fifteenth, seventeenth, eighteenth, twentieth, and twenty-first days of the said month of November, and on divers other days and times in the said month; and fraudulently, and by color of his office, did cause and procure the said uncoined gold to be delivered by the said Purser Wilson to him, the said Captain Jones, on board the United States ship Ohio, in San Francisco bay, on or about the 25th day of the said month of November; and did then and there take and receive the same for his own use and pri vate traffic and gain; and did then and there fraudulently and vate trains and gain; and did then and there rauduently and deceitfully give to the said Purser Wilson a receipt, in writing, and signed by him, the said Captain Jones, as follows:

and signed by him, the said Captain Jones, as follows:

"I have received of Joseph Wilson, purser United States storeship Lexington, the sum of ten thousand six hundred and forty-three dollars and nine cents, (\$10,643 09,) in full of all demands, on account of the same amount for which he gave triplicate receipts on the 31st ultimo to Edward D. Reynolds, purser United States ship Warren, acting as special agent for military contributions, for which amount he was responsible

United States ship Ohio, San Francisco bay, Nov. 25, 1848 Whereas, in truth and in fact, the said Captain Thomas Ap

Catesby Jones did not then and there, or at any time, receive the moneys aforesaid, or any part thereof, from the said Pur-ser Wilson, but, in lieu thereof, received the aforesaid, the same being of much greater value than the sum aforesaid, to and for his the said Captain Jones's own use, and for his own private traffic, speculation, and gain; thereby, and by means of the premises, fraudulently and unlawfully converting the public moneys of the United States to his own use, and comparing the public moneys of the United States to his own use, and comparing the public moneys of the United States to his own use, and comparing the public moneys of the United States to his own use, and comparing the public moneys of the United States to his own use, and comparing the public moneys of the United States to his own use, and comparing the public moneys of the United States to his own use, and the public moneys of the United States to his own use, and the public moneys of the United States to his own use, and the public moneys of the United States to his own use, and the public moneys of the United States to his own use, and the public moneys of the public moneys of the United States, and the public moneys of the United States to his own use, and the public moneys of the United States to his own use, and the united by the said Greene in said statement and account, of a large sum of money, to without authority approved a charge against the United States, and the united States to his own use, and the united States to d committing a fraud against the said United States.

Specification fourth. In this, that the said Captain Jones

having, in the manner and under the circumstances set forth and charged in the last preceding specification, purchased and caused to be purchased the uncoined gold therein mentioned, with the public moneys of the United States therein menwith the public moneys of the United States therein mentioned, upon the pretexts set forth in his written order to Purser Wilson therein recited, and having received the said gold on board the said ship Ohio, a public vessel of the navy of the United States, afterwards, on the 25th day of November, in the year 1848, at the bay of San Francisco, fraudulently converted to his own use two hundred and seventy-five and one-quarter ounces of the said uncoined gold, parcel of the same gold which had been purchased with the public moneys of the United States, as aforesaid, by shipping the same upon his own private account and for his own private uses, speculations, and gains, to New York on heard the uses, speculations, and gains, to New York, on board the United States storeship Lexington, consigning the same to the same Purser Wilson, for account of him, the said Capt. Jones; and by causing and procuring the said two hundred and seventy-five and one-quarter ounces of gold to be disposed of, as they afterwards in fact were, for the private use and

enefit of him the said Captain Jones.

Specification fifth. In this, that the said Captain Jones, Specification fifth. In this, that the said Captain Jones, having, in the manner and under the circumstances set forth and charged in the third specification of this charge, caused and procured the sum of \$10,643.09 of the public moneys of the United States, known as the military contribution fund, to be invested in uncoined gold, and having received the said uncoined gold, to wit, 983½ ounces of grain gold, on board the said ship Ohie, on the 25th day of November, in the year 1848, at San Francisco bay, afterwards, on the day and year last aforesaid, at San Francisco bay aforesaid, and on divers other days and times, and at divers other places, which last mentioned days, times, and places are unknown to the said Secretary of the Navy, fraudulently did convert the said gold to his own use, and fraudulently did sell and dispose of, and cause to be sold and disposed of, the said gold, in divers quantities and parcels thereof, the particulars of which several quantities and parcels are unknown to the said Secretary, and did thereby make great gains and profits, which he, the said Captain Thomas Ap Catesby Jones, fraudulently converted to his own use.

Charges accord. Attempting a fraud expired the Living of the said captain the said and content of the said captain Charge second. Attempting a fraud against the United

States.

Specification.—In this, that the said Captain Thomas Ap Catesby Jones, then being in command of the United States naval forces in the Pacific ocean, did, on the fifth day of Nonaval forces in the Pacific ocean, did, on the fifth day of November, in the year 1849, at the Bay of Sen Francisco, fraudulently prepare and cause to be prepared, and fraudulently did transmit to the Secretary of the Navy, a paper purporting to be an account showing what amount of public moneys of the United States of the military contribution fund aforesaid was then in the hands of him the said Captain Jones; in and by which paper he stated and represented that a certain ba-lance of \$4,114.18, therein mentioned, was still subject to the satisfaction of certain awards to Lower California refugees whereas, in truth and in fact, the said Capt. Jones had in the same account claimed and taken credit for the full amount of the said awards, as paid by him out of said fund, and the be-lance aforesaid was not subject to the satisfaction of such awards, thereby attempting a fraud against the United States. Charge third.—Scandalous conduct, tending to the de-struction of seed morals.

charge third.—Scandalous consumers of the struction of good morals.

Specification first.—In this, that the said Captain Thomas Specification first.—In the being in command of the Unite on the 31st of Oct Specification first.—In this, that the said Captain Thomas Ap Catesby Jones, then being in command of the United States naval forces in the Pacific ocean, on the 31st of October, in the year of our Lord 1848, off Monterey, Upper California, scandalously did abuse the public trust confided in him by virtue of his command aforesaid, by causing the sum of \$10,643.09 of the public moneys of the United States to be transferred from the charge and custody of one Edward D. Reynolda, a purser in the navy of the United States, who then beld the same for the use and benefit of the said United States, and who was then under the command aforesaid of the said Captain Jones, to one Joseph Wilson, a purser in the said captain Jones, to one Joseph Wilson, a purser in the intent that the said sum should he more conveniently subject to the orders of him, the said Captain Jones, for his own priintent that the said sum should he more conveniently subject to the orders of him, the said Captain Jones, for his own private uses, adventures, and gains; and thereafter, in pursuance of said intent, did, on the 1st day of November, in the year aforesaid at Monterey her. year afgreeaid, at Monterey bay, order and direct the said Purser Wilson to exchange the moneys aforesaid for uncoined gold, at San Francisco, in California, at the current market price, and to hold the said gold subject to his, the said Capt.

Jones's, further orders; and the said Purser Wilson having thereafter, to wit, between the last mentioned day and the 25th day of the said month of November, executed the said order, the said Captain Jones did, on the said last mentioned day, on board the United States ship Ohio, in San Francisco Bsy, take and receive the uncoined gold for which the said public moneys had been exchanged, as aforesaid, and did receipt for the same to the said Purser Wilson, as the said sum of \$10,643.09, whereas the same was of much greater value, and did receive, to and for his own use, traffic, adventure, and gain, the said uncoined gold, and did thereafter dispose of the same for his own lucre and gain; thereby, and by the orders and acts aforesaid, scandalously violating and abusing a public trust, prostituting his office and command to the purposes of private traffic and gain, giving an evil example to disbursing officers and others under his command, and being guilty of scandalous conduct tending to the destruction of good morals.

Specification second. In this, that the said Captain Jones,

guilty of scandalous conduct tending to the destruction of good morals.

Specification second. In this, that the said Captain Jones, then being in command as aforesaid, on board the flag-ship Ohio, Monterey bay, on the 25th day of October, in the year 1848, in an efficial derpatch, numbered thirty-four, to the Secretary of the Navy, falsely, scandalously, and maliciously did write, and cause to be written, and falsely, scandalously, and maliciously did report and transmit to the said Secretary, of and concerning Lieutenant Joseph F. Green, Lieutenant John B. Marchand, and Lieutenant T. Augustus M. Craven, lieutenants in the same navy, the following false, scandalous, and malicious libel—that is to say:

"Nothing, air," (meaning the said Secretary) "can exceed the deplorable state of things in all Upper California at this time, growing out of the maddening effects of the gold mania. I am sorry to say that even in this squadron some of the officers are a little tainted, and have manifested restlessness under moderate restrictions, imperiously demanded by the exigencies of the times, as you will perceive by the enclosed paper addressed to three of the lieutenants."

(meaning the three lieutenants above named;) thereby falsely, scandalously, and maliciously imputing to the said three lieutenants a base and sordid disregard of their duty and character as officers of the said navy, and a restlessness under moderate and necessary restrivitous againsting from their being

lieutenants a base and sordid disregard of their duty and character as officers of the said navy, and a restlessness under moderate and necessary restrictions springing from their being tainted with the "gold mania."

Specification third. In this, that the said Captain Jones, then being in command, as aforesaid, on the Pacific station, on the 14th day of September, in the year 1849, was guilty of wilful and deliberate falsehood, in writing and transmitting to the Secretary of the Navy, in a certain despatch, numbered 67, the following language, viz:

"With regard to the balance of the military contribution fund, which remained in my hands at the date of my last returns, it has been turned over to Purser R. M. Price, whose receipts, with my account current, will be duly forwarded to the Fourth Auditor of the Treasury."

Whereas the said balance had not in fact been turned over to

Whereas the said balance had not in fact been turned over to

the said Purser Price, and the said Captain Jones well knew it had not been.

Charge fourth. Neglect of duty.

Specification first.—In this, that the said Captain Jones,
then being in command of the United States naval forces in

then being in command of the United States naval forces in the Pacific ocean, on the said station, on the 24th day of November, in the year 1848, and for a long time prior to said day, and, during the said command, neglected to have the public moneys of the United States, of the fund known as the military contribution fund, kept and regularly disbursed by the pursers of the navy under his command for the public by the pursers of the navy under his command for the public use, and neglected to require regular and proper accounts of such moneys to be kept and returned by such disbursing officers, and took the said moneys under his own personal control, and so managed and disposed the same during the time aforesaid, and during the whole period of his said command, as to expose the public interests to loss and injury, and the said fund to depredation and embezzlement.

Specification second.—In this, that the said Captain Jones, then being in command as aforesaid, and having received a certain official latter of the Secondary.

then being in command as aforesaid, and having received a certain official letter of the Secretary of the Navy, addressed to him, and dated the lat day of March, 1849, containing the

to him, and dated the 1st day of March, 1849, containing the following language, to wit:

"It is very desirable that the accounts of military contributions collected from the enemy shall be settled without delay, and the balance unexpended in prosecuting the war with Mexico, and its necessary incidents, should be paid into the Treasury of the United States, so that disbursements may be made exclusively of appropriated money. You will be pleased to take the necessary measures to effect this object "—

did neglect to take the necessary measures to effect the said object. This, on the said Pacific station, on the fifth of June, in the year aforesaid, and thenceforth during the continuance of the said Captain Jones in the said command.

Specification third.—In this, that the said Captain Jones, being in command as aforesaid on the lattle of Assilicians.

being in command as aforesaid, on the 1st day of April, in the year of our Lord 1849, on board his flag-ship, the Ohio, in the bay of San Francisco, having received a certain official letter of the Secretary of the Navy, addressed to him, under date of 20th January, 1849, containing, among other things,

the following language:

"The Department is anxious to have a full account of military contributions collected, and of their disposition"—
then and thenceforth, during the continuance of his said command, neglected to furnish the said Department with such full account as aforesaid.

Specification fourth. In this, that the said Capt. Jones,

then being in command as aforesaid, on the 1st day of Au gust, in the year 1848, on the Pacific station aforesaid, in approving a certain report, account, and statement made to him in his command aforesaid, by one Hugh W. Greene, a purmade by the said Greene in said statement and account, of a large sum of money, to wit, the sum of \$12,718 43, for commissions as compensation for the discharge of his duties afore-said, and negligently suffered the said Greene to retain the

said sum upon the pretext aforesaid.

Charge fifth. Oppression.

Specification first. In this, that the said Capt. Thom Ap Catesby Jones, then being in command of the United States naval forces in the Pacific ocean, having, at Sansalito, California, on board his flag-ship, the Savann ah, on or abo the 29th day of October, in the year 1849, had transmitted to him, and having received for review, the proceedings of a cer-tain court-martial theretofore convened on board the United States sloop-of-war Warren, at anchor in the bay of San Francisco, Upper California, by his order, in the case of Lieut. Francisco, Opper California, by insorder, in the case of Dicting Fabius Stanly, of said navy, upon certain charges affecting the character of the said Lieut. Stanly as an officer, and imputing falsehood to the said Lieut. Stanly; that is to say—first, disobedience of orders; second, conduct unb coming an

officer and a gentleman.

And having before him the finding of the said court, to the effect that the said Lieut. Stanly was technically convicted of disobelience of orders, but that ac punishment should be adjudged against him, and that the said Lieut. Stanly was not guilty of the said charge of conduct unbecoming an officer and a gentlemen, and the opinion of the said court, accompanying the said finding, in the following language:

"The sourt, therefore, feels itself bound by its own sense of justice and propriety to express, in the most unqualified manner, its decided conviction that the accused did not intend to practice the slightest deseption whatever, either towards Lieut. Pickering, Commander Johnson, or any body else; and that his character for veracity stands wholly unimpaired."

He, the said Captain Jones, having dissolved the said cour He, the said Captain Jones, having dissolved the said court on the 31st day of October, in the year aforesaid, thereafter oppressively and maliciously did suppress and withhold from promulgation the said finding and opinion of said court for the space of nearly two months, thereby oppressively and maliciously depriving the said Lieutenant Stanly of the benefit of the said finding and opinion, and keeping him under the odium and disgrace of charges affecting not only his character as an officer, but his honor as a gentleman; and oppressively and maliciously pending the said secrety, ordered the said Lieutenant Stanly from the said Pacific station, thereby confirming the injurious effect produced by the suppression of the

Lieutenant Stanly from the said Pacific station, thereby confirming the injurious effect produced by the suppression of the said finding as aforesaid.

Specification second. In this, that the said Captain Jones, then being in command as aforesaid, and having on or about the 18th day of August, in the year 1849, at San Francisco, California, received from the Secretary of the Navy a leave of absence for the said Lieutenant Stanly, oppressively and maliciously withheld and suppressed the same, from the said day until the 18th day of December following, and until he had ordered the said Lieutenant Stanly to Panama, whither he sent the said Stanly, directing the said leave to be delivered to him there, without any sufficient reason of public duty.

had ordered the said Lieutenant Stanly to Panama, whither he sent the said Stanly, directing the said leave to be delivered to him there, without any sufficient reason of public duty, and solely for the gratification of his spite and malice against the said Lieutenant Stanly.

Specification third. In this, that the said Captain Jones, then being in command as aforesaid on the coast of California, in the bay of San Francisco, and in other waters on the said coast—the same being the waters of the United States—on the 8th day of August, in the year 1848, on the 12th day of March, 1849, and on the 5th day of October, 1849, and on divers other days and times subsequent to the day first abovementioned, during his said command, oppressively, and without warrant or authority of law, convened, and ordered to be convened, divers naval general courts martial, for the trial of divers offences alleged to have been committed by divers of ficers and seamen of the navy of the United States, and oppressively, and without warrant or authority of law, ordered and caused the sentences of said courts to be executed, and, by color of said usurped powers and unlawful proceedings, inflicted divers cruel punishments upon such officers and seamen; and particularly on the 23d day of the said month of October, 1849, in the bay of San Francisco, in the waters of the United States, inflicted, and cause to be inflicted, the punishment of death upon two men, named John Black and Peter Black, and who were of the crew of the United States schooner Ewing—the said punishment of death having been adjudged and sentenced against the said two men, having been adjudged and sentenced against the said two men having been adjudged and sentenced against the said two men having been adjudged and sentenced against the said two men having been adjudged and sentenced against the said two men having been adjudged and sentenced against the said two men having been adjudged and sentenced against the said two men having been adjudged and sentenced against the sai schooner Ewing—the said punishment of death having been adjudged and sentenced against the said two men by a court-martial ordered and convened as aforesaid, but not having been confirmed by the President of the United States.

WILL. A. GRAHAM,

NAVY DEPARTMENT, Nov. 1, 1850.

Commodore Jones's Plea to the foregoing Charges.

Mr. President and Gentlemen of the Court: I desire that my plea of the general issue be entered to the lst, 2d, 3d, and 4th charges, and the several specifications thereof, and also to the 5th charge, and the lst and 2d specifications thereof, by protestation, however—reserving all just exceptions to the sufficiency of the facts therein specified, or that may be given in evidence under them, to affect me with any crime or offence within the purview of the naval articles of war, or otherwise cognizable by this court, and full liberty to justify the innocence, both in set and intent, of all such actings and doings as are imputed to me in said specification, or as may be given in evidence under them.

As to the 3d specification to the 5th charge, I desire to be excused and dispensed from any other plea or answer but such as consists of the following exceptions to the same, to wit:

I except against the validity of the 3d specification to the 5th charge, and against the validity of the 3d specimenton to the 5th charge, and against the sufficiency of the matters and things therein charged and specified to constitute any crime or offence within the purview of the naval articles of war, or otherwise cognizable by this court—

1st. Because all the acts and things therein charged and set the second with any contract.

pecified were in exact accordance with law and with my duty.

2d. Because they were acts and things of imperious necessity, and indispensable to the preservation of the squadron under my command.

3d. Because they were in pursuance and in faithful exe-

3d. Because they were in pursuance and in faithful exe-ution of the orders and instructions of the Government. 4th. Because if I erred in my construction of the law, and convened courts-martial and executed their sentences as and converted courts-martal and executed their sentences as specified, still my acts in the premises, as alleged and speci-fied, constitute no crime or offence within the purview of the naval articles of war, or otherwise cognizable by this court; but were offences against the general law of the land, and exclusively cognizable by the ordinary courts of crimi-nal judicature.

In support of which several grounds of this exception, I submit the following reasons, reserving the right, and praying to be allowed, if need be, to maintain them further by argument and authority, if the court shall entertain doubt that the said third specification to the said third charge should be set aside, quashed, and dismissed, as null and void:

1st. That I had authority of law., The 35th article of the Naval Articles of War empowers "the commander of a squadron, while setting out of the United States, (I cite the exact words of the law,) to convene courts-martial."

The 41st article empowers him to confirm and execute a sentence of death, or any other, " if the trial takes place out of the United States." These, also, are the words of the law. By the same articles the convening of courts and the execution of sentences are not permitted to commanders of squadrons within the United States.

drons within the United States.

The question, therefore, is, was the Pacific squadron under my command on the coast of California within or without the United States, within the meaning of the Naval Articles at the time of these transactions—that is to say, after the treaty of peace with Mexico, and before the laws and judicial system of the United States had been extended over the received territor equired territory ?
The words or "out of the United States," in the language

of a law like the Naval Articles of War, which construct and establish a judicial system and machinery, create courts, and confer their jurisdiction, and apply these terms to define the jurisdiction, must be construed, by the sternest and most imperative rules of legal construction, as meaning the extent to which its laws reach, and have a present and actual effect

This is alike the language of the law by terms strictly con-This is alike the language of the law by terms strictly convertible, and its most obvious and necessary policy. These naval courts are created and given jurisdiction without the United States, because there is there no other judicial system, and they have the power to try capital cases and adjudge the sentence of death. The commander is empowered to institute those courts, because there is no higher officer in whom this high but necessary power can be invested. Within the United States access can be had to the President for the institution of the court and for the register of its independent and within ted States access can be nad to the President for the institution of the court and for the revision of its judgments; and within the United States those capital crimes which without are cognizable by courts martial are withheld from their jurisdiction, and reserved for the ordinary courts of civil judicature—thus

and reserved for the ordinary courts of civil judicature—thus retaining the military law in proper subjection to the civil wherever the latter prevails, and is provided with the necessary means for its own administration.

By the treaty of peace we acquired the Territory of California, but we were not at the time of these transactions in the actual exercise of our legal dominion over it: we had not extended our laws over it, or established any judicial system; we had not repealed the laws existing then, or annulled the established system for the administration and execution of the old laws. All the laws in existence at the time of the transfer continued till repealed by the new sovereign; and every for continued till repealed by the new sovereign; and every court is forced to this conclusion, or to sanction by a judicial recognition what no court of law of any civilized country ever did sanction—a state of anarchy to which no law or system of laws applies.

It appears quite unnecessary under this head to press the It appears quite unnecessary under this head to press the argument, or to do more than state the general principle. But I am advised by counsel that the principle here stated is established (which, indeed, was not encompassed with any well-founded doubts before) by the Supreme Court of the United States at its last session, in the decision of Page vs. Flemming, which is grounded on the doctrine that ports held by the United States were not within its jurisdiction and the open than the states were not within its jurisdiction and the open than the states were not within its jurisdiction and the open than the states were not within its jurisdiction and the open than the states were not within its jurisdiction and the open than the states were not within its jurisdiction and the open than the states were not within its jurisdiction and the open than the states were not within its jurisdiction and the open than the states were not within its jurisdiction and the open than the states were not within its jurisdiction and the open than the states were not within its jurisdiction and the open than the states were not within its jurisdiction and the open than the states were not within its jurisdiction and the open than the states were not within its jurisdiction and the states were not within the states w

over them by express provisions.

And I am further advised that the argument under this head s not material, because if this ground of exception to the charge were untenable, instead of being, as it is, surrounded

charge were untenable, instead of being, as it is, surrounded with impregnable defences of law, reason, and authority, still the other exceptions are sufficient and incontrovertible.

2d. That they were acts of necessity, essential to the preservation of the squadron. If ever a naval force of our country was in a situation which presented extraordinary inducements to the infraction of the necessary and wholesome laws which preserve and enforce naval discipline—if ever a commander, entrusted with a difficult and hazardous service, required all the strength and europet which the law can give commander, entrusted with a difficult and hazardous service, required all the strength and support which the law can give him, and by which only he can be fortified, and sustained, and upheld in the discharge of his duty to his country, it was the Pacific squadron and its commander, during the war and following the peace with Mexico. In an age of unprecedented commercial activity and enterprise, and when, by the joint operation of commerce and free government, the energies of men had been stimulated to extraordinary force in the pursuit of all those objects which contribute to the happiness, and comfort, and convenience of life, and first among these to the pursuit of wealth; in such an age the discovery of the gold mines of California added so great and sudden an increase to these objects, so powerful an incentive to these increase to these objects, so powerful an incentive to these energies, effected so vast a change in the business of the comenergies, effected so vast a change in the outsiness of the commercial world as must form an important epoch in the history of a nation already filled with wonders. The California squadron was on the very verge, almost within the vortex, of this excitement. Every man saw before him not only the near, but the immediate and certain opportunity of wealth. Could the country retain its sailors for its hard-earned and scenty pay, when all the gold mines were before their eyes and within reach of their hands? Was the law then strong enough to control all the powerful motives which actuate human nature? control all the powerful motives which actuate human nature? And was it so strong that its superfluous rigors could be then relaxed, and the experiment then made how far men may be governed by persuasion and without force, and the criminal law stripped of its penalties and power? I am sure I need offer no argument, and hardly a suggestion, on this head to any reasonable man to enforce the necessity, the absolute and overwhelming necessity, of applying promptly and efficiently every legal power with which I was entrusted to check desertions and suppress mutinies in the Pacific squadron. The desertion and mutiny of the Ewing's men (attended as it was with murder) was not the first which had occurred to leave the necessity of example and of the government of law

was with murder) was not the first which had occurred to leave the necessity of example and of the government of law to be a question of reason and speculation, but other instances had occurred to enforce the argument with all the strength that a terrible experience could give it.

I will relate the circumstances attending the fate of the launch of the Warren, which, in the leading facts of the mutiny, the murder and the desertion closely resembled the history of the Ewing's boat, only remarking here, in regard to the latter, and by way of a passing explanation, that it is history of the Ewing's boat, only remarking here, in regard to the latter, and by way of a passing explanation, that it is the trial and execution of two of the mutineers of the Ewing's boat, which forms the only material part of this specification to the third charge, to which this exception is directed. During the operations of the war with Mexico, the United States sloop of-war Warren was for a while stationed in the bay of San Francisco. The senior officer present (Commander Montgomery, of the Portsmouth) dispatched the Warren's launch in charge of his son, the sailing master of that ship, accompanied by another of Captain Montgomery's sons, clerk to his father, in charge of a considerable amount specie required by our troops in the neighborhood of "Sut-of ter's Fort," 130 miles up the "Bacramento." From the day the launch left the Warren at anchor near the scene where the Ewing's boat's crew mutinied, no tidings transpired of her fate, or the fate of her officers and crew, until some time in the carry part of 1848, when some articles known to have fate, or the fate of her officers and crew, until some time in the early part of 1848, when some articles known to have been in the possession of the officers of the launch were seen in possession of a woman in the newly discovered gold mines. The character of the articles was such as to make it impossible that they could have been submerged in the water, or could have drifted on shore. Among them a box chronometer was identified. The woman said she obtained them from a sailor. Upon the discovery of this first glummer of light as to the fate of those unfortunate young officers, for whom the most anxious interest was felt by their brother officers in the squadron, the most judicious means were immediately employed and put in force to trace up the clue which had been accidentally discovered, and to apprehend and bring to punishment the criminals, if the suspicious then entertained should be realized, but without any other result than to actisty the late Col. R. B. Mason, myself, and I believe all in California at the time the circumstances occurred, that the launch's crew had mutitimied and murdered those officers. The sailors of the Pacific squadron, I am sure, were of that belief, as I learned from

Commodore Jones's Plea to the foregoing Charges. | a faithful cockswain, who had an opportunity to know their

a faithful cockswain, who had an opportunity to know their opinions.

The mutineers of the Ewing's boat knew all these facts relating to the Warren's launch. I give the narrative of it as taken from the recorded evidence of the trial. They stempted the same crime near the same scene, and with a like hope and opportunity of impunity. They threw their officer, Passed Midshipman Gibson—the only officer in the boat with them—into the sea in the night, incumbered with his heavy watch-cost, to buffet against the strong currents of that coast, and with no apparent probability of escape; bu', to make sure of their victim, he was thrust under water by the two men named Black, whilst others of the boat's crew vocife-rated, "Kill! kill!" or "Drown, drown the damned rascal!" or the like words; and, under the impression that the deed was done, rowed away with the boat to an unfrequented part of the eastern shore of the bay of San Francisco, where they landed at an early hour next morning, and from thence, by unfrequented routes through the mountains, bent their course to the Upper Sacramento, until, forced by hunger to seek food, they went into the embryo town called "New York of the Pacific," near one of the mounts of the San Joaquin, where Lieutenant McArthur, commander of the Ewing, had preceded them, and succeeded in arresting the whele gang.

The cries and struggles of Passed Midshipman Gibson were fortunately heard by some passer-by, who went to his relief, but not until life was apparently extinct. The body when recovered was in a state of entire insensibility, and the attending physician saw no hope of the life, which, however, his shill, under Heaven, succeeded most unexpectedly in restoring.

Had Midshipman Gibson been drowned outright, and his body been drifted away by the strong and irregular currents into which he was thrown by the mutineers, they would probably have made good their escape to the mines, as the discovery would not have been made, nor would the pursuit have been so hot; neither would the officers

overy would not have been made, nor would the pursuit have see so hot; neither would the officers of the squadron have received that aid or assistance from the citizens in regard to mere deserters which they gave to the apprehension of mur-

Had the commander of the Pacific squadron, or the court-martial which he convened, shrunk from their duty and the responsibility of executing the law in regard to these muti-meers, how many like cases of mutiny and murder as those of the Warren's launch and the Ewing's beat would now blacken in the annals of the Pacific equadron and the records of the Navy Department! Notwithstanding their crime, the highest in the naval code, and attended with all the aggravahighest in the naval code, and attended with all the aggravations that are possible to it, these men was not only allowed
but furnished every means of defence consistent with a fair
trial. The best counsel in California was employed by me
to defend them, who conducted their defence with all the resources of professional learning and ability. The question of
the jurisdiction of that court was fully argued, (the exact
question which it is now attempted to bring before this court,
as if one court-martial had any revising and appellate power
over the decisions of another court-martial,) and decided as it
always had been before, and always afterwards, by all other
courts before which the question was raised. The sentence
of death was certified on the record as adjudged by the majority of two-thirds, which the law requires, and was submitted
without a recommendation to mercy from a single member of
the court—thus conveying to me that every member of the
court was of opinion that the sentence should be executed on
all the convicts. Nor did I receive from any source whatever
any recommendation to mercy, or application for a pardon, any recommendation to mercy, or application for a pardon, except from Passed Midshipman Gibson, against whom the mutiny was committed, and who requested the pardon of the young man who pulled the bow-oar; and except, also, from the counsel, who thought that some distinction might be made between the two men who had pitched their officer overboard, between the two men who had pitched their officer overboard, and the other three who stood by aiding and abetting, but found it unnecessary to add their hands to the work. I confess I had extreme difficulty in recognising the least legal or moral distinction in the guilt of the parties. But I hoped that a partial execution of the sentence might be sufficient for the discipline of the squadron, and the sentence was confirmed only in regard to the two ringlesders.

The feel that I should pay but an ill compliment to this court is the sentence to office further explanation to entire them of the

ornia, in the Pacific ocean, or in the navy, having a knowledge of the facts, has ever questioned that the execution of the mutineers was necessary, except the two lieutenants, who seized their opportunity to add this grave charge to their own unfounded personal complaints against me. 3d. That lacted in pursuance of the instructions of the Government. The treaty of peace found me exercising all

the powers of a commander of a squadron on a foreign sta-tion, convening courts and executing their sentences. I con-tinued the exercise of this power, reporting my proceedings therein, as in all other matters, regularly and habitually to the Government, and receiving no instructions to the contra-ry, of course am presumed legally, and in fact, to have acted ry, of course am presumed legally, and in fact, to have acted with their concurrence and approbation. So far now, as this Government is concerned they can make no complaint and take no proceeding against me, being estopped by their own silent concurrence and approbation; and by every rule of law, as well as of equity, their subsequent consent was equivalent to a previous order—for I have not, until these charges, received any intimation that my official acts, which I was recovered. regularly reporting to them, were not in exact accordance

from the Navy Department.
In July, 1848, I reported to Mr. Secretary Meson that I was in pursuit of the mutineers and murderers who escaped

rom the Warren's launch. I read to the court my entire report, as follows : [No. 22] "FLAG-SHIP OHIO, LA PAZ, JULY 27, 1848. "SIR: I have the honor to enclose herewith an extract of a letter just received from Lieut. Commanding Joseph Lanman, enclosing to me the copy of a letter from Passed Midshipman S. E. Woodworth, disclosing the melancholy fate of the offi-

enclosing to me the copy of a letter from Passed Midshipman S. E. Woodworth, disclosing the melancholy fate of the offi-bers in charge of the United States sloop Warren's launch, so long missing, and which was supposed to have been acciden-tally lost in the bay of San Francisco.

"Mr. Woodworth's letter was received by Lieut. Lanman mr. woodworth's letter was received by Lieut. Lanman just as Governor Mason was on the eve of setting out for the gold region; so that, without exciting any suspicion, one of the Warren's officers was directed to accompany Governor Mason, for the purpose of identifying any of the mutineers who may be found among the gold washers, or elsewhere in California.

difornia. "Should we be so fortunate as to lay hands on any of them, with sufficient authority to convict them, the penalties of the ner, unless it may be necessary, after conviction, to send one or more to the United States to identify others.

"Most respectfully, your obedient servant, "THOS. AP C. JONES,

"Commander-in-chiet Pacific Squadron.
"Hon. John Y. Mason, Secretary of the Navy."

neerned in the horrid murder referred to, if they cross the ntinent. If you succeed in apprehending them, be pleased

o bring them to trial.

I am respectfully, your obedient servant,

J. Y. MASON.

Commodore Thomas Ar C. Jones,
Commanding U. S. Squadron Pacific Ocean.
Again, in a report made at Monterey, November 1, 1848,
the Hon. John Y. Mason, Secretary of the Navy, I stated

"I have had occasion more than once, I am sorry to say to speak of the insubordinate and unruly disposition of a few of the officers of this squadron, and particularly as of .

He has just been convicted a second time by a naval general court martial . Mr. H. be tried again as soon as another court can be convened.

cc. &cc. The letter from which these extracts are taken was replied by the Secretary of the Navy in a letter addressed to me i the following words, to wit : NAVY DEPARTMENT, MARCH 1, 1849.

NAVY DEPARTMENT, MARCH 1, 1849.

Sin: Your course respecting the officers referred to in your despatch No. 35, of the 1st November, 1848, is approved.

You will be pleased to forward to the Department all tendered resignations, keeping the officers to their duty until your receive the answer of the Department.

I am, respectfully, your obedient servant,

J. Y. MASON.

Com. THOS. AF C. JONES, Commanding U. S. Squadron, Pacific ocean

The original of this reply, signed in the proper hand of Mr. Mason, is herewith offered to the court.

And on the 21st of November, 1848, from the flag-ship Ohio at San Francisco, I made the following report to the

"Passed midshipman —, detached from this squadron by sentence of a maval general court-martial, will return to the United States in the —. I am sorry to say that the combined influence and example of — produced no less than four trials of officers of their grade —, which charges were severally proved, and the accused accordingly sentenced in court case." o every case.

in every case."

In a despatch from the Navy Department, dated March 1, 1849, I received from Mr. Becretary Mason the express assurance of his "full confidence."

At length, on the 13th of March, 1849, when the authority which I had been exercising in regard to courts-martial became questioned by some of the insubordinate and arguing young officers of the squadron, I reported to the Navy Department, and applied for instructions. The following is the portion of my despatch which referred to this matter:

"There is another important question monted in this squadron upon which I need your instructions: it is the right of the

commander a the Pacific squadron to order courts-martial i a the ports of California, now a Territory of the United States. I have no doubt upon this subject myself, at least until the laws of the United States are extended over this newly acquired Territory. The several and distinct courts, composed of the senior and most intelligent officers of the squadron, have declared in favor of the right. Nevertheless, some of the younger officers deny it, and thereby produce doubts and dissatisfaction on the minds of others. The sooner that question can be settled by executive or legislative action, the better for the cause of law and order on this coast, and the discipline and harmony of the squadron."

The reply of the Department was as follows : "NAVY DEPARTMENT, JUNE 26, 1849.

"The question in relation to the right of the commanderin-chief of the United States squadron in the Pacific to convene courts-martial has been submitted to the Attorney General, whose opinion it is hoped will be received in season to be
sent by Passed Midshipman Beale; if not, it will be forwarded by the first opportunity afterwards.

"I am, very respectfully, your obedient servant,
"WM. BALLARD PRESTON.

Commodore THOS. A. C. JOHES,
Commanding U.S. Squadron, Pacific."

Thus still leaving me, till a contrary opinion from the Attorney General, which never came, to pursue the course I had before pursued with their concurrence and approbation, which I distinctly informed them to be in accordance with my own sense of duty and my understanding of the law, and that it was my intention to continue so to act until otherwise instructed. I never did receive any such instructions, and I therefore did sensitive to the sensitive of the sen re did continue so to act. Now, if I erred as to the true law in this matter, on whom

Now, if I erred as to the true law in this matter, on whom is the responsibility, either legal or moral? Is the legal responsibility with me, or with the Government, whose agent I was, with whose knowledge and consent I acted, and whose presumed and positive instructions I executed? As to the moral responsibility, let our relative situations be contrasted. I, on a remote sea, engaged in an arduous service, encompassed with unexampled embarrassments and difficulties, far from home and all reliable sources of information and legal advice; the Government, on the other hand, surrounded with all the means and facilities for a sound, sure, and prompt judgment which the laws and institutions of our country could afford Can the Government, even in the last strait or embarrassment of this matter, decline their advice and withhold their instructions, and throw upon me the responsibility of a decision and action? Can the Government now, which allowed, and approved, and instructed me, in the first instance, and which to the last withheld from me any instructions of a contrary nature, hold me responsible, and pursue me crimi-

and which to the last withheld from me any instructions of a contrary nature, hold me responsible, and pursue me criminally, and at the hazard of my character, and even life, for what I did in their service, and with their consent, and by their instructions?

Would not this be a perfidy without an example from the Government of any civilized nation? Would not the spithets of "fraudulent" and "acandalous," and "against truth, and form," so lavishly and unjustly applied to my conduct in the profuse and redundant retoric of these charges, much more fairly characterize, in the judgments of all honorable men, the conduct of the Government which would so entrap and betray a faithful servant? I am far from applying these epithets to this Government, or any of its officer; I am far from thinking them merited; nor would I sek to refort or reply to these charges otherwise than by a prompt and complete judicial vindication of my integrity and conduct. The misfortune of the Department, and one cause of the extraordinary injustice towards me in this matter, is the want of a proper official organization, from which I have had to report to no less than three heads of the Navy Department in a brief period of as many years. A Secretary is not informed of the misfortune of the orders of one Secretary, I am thrown into arrest and sent to a court-martial by his successor. But of these these things, and of others that are behind, I make no complaint. I might have expected, looking back to my pears, with some of the imputations which have been levelled against me. I might have expected that age, services, official conduct where a good motive sppeared, a good motive sppeared, a good motive sppeared, a good motive sppeared, are of my official conduct where a good motive sppeared, are of my official conduct where a good motive sppeared, are of my official conduct where a good motive sppeared, are of a work and a fair life, I might have expected that, and the conduct of the court of th feel that I should pay but an sil compliment to this court if I were to offer further explanation to satisfy them of the necessity and justice of the execution of the sentence. But I may take occasion to add, and solemnly to affirm it, that I have not yet heard, and do not believe that any man in Calibarant and a fair life, I might have expected, looking back on my past life, to have stood before the Navy Department, and, if it should so happen to come before a court-martial of my peers, with some of the presumptions in favor of a good chartacter and a fair life, I might have expected, looking back on my past life, to have stood before the Navy Department, and, if it should so happen to come before a court-martial of my past life, to have stood before the Navy Department, and, if it should so happen to come before a court-martial of my past life, it is should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come before a court-martial of my past life, it should so happen to come fornia, in the Pacific ocean, or in the navy, having a knowlof my official conduct where a good motive appeared, a good
motive might be imputed. I might have expected that, even in an unsettled account current, an apparent error of a few dollars, to which my attention was never called until I saw it in one of the specifications just read, would pass for an error merely, and would neither be suspected nor imputed for a "fraud" and a "falsehood." But I make no complaints, and proceed to the fourth ground of exception, to wit:

That if I erred in the law, and my authority to convene courts martial and execute their sentences, it was not an offence of which this court can take jurisdiction. It is obvious and unquestionable, from the naval articles herein before cited, that my lawful authority for these acts turns wholly on the fact whether I was acting within or out of the United States. Now, if I was within the United States, and took the lives of these men without any authority of law for my proceedings, the act was murder. But of that crime this court has no jurisdiction, because, says the 21st article of war, "the crime or murder, when committed by an officer, seaman, or marine belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belonging to any public ship or vessel of the United I belong the has no jurisdiction, because, says the 21st article of war, the crime or murder, when committed by an officer, seaman, or marine belonging to any public ship or vessel of the United States, without the territorial jurisdiction of the same, may with my duty and authority and their wishes.

But I was not left to infer their approbation from any siBut I was not left to infer their approbation from any siand no other article gives a court-martial jurisdiction in murand no other article gives a court-martial jurisdiction in mur-

der within the United States which the 21st article withholds and denies.

It is true the charge is here laid as "oppression," but the specification makes it murder.

Oppression is an undefined crime, recognised by the third navy article—styled oppression, but not defined in that article or elsewhere in our written law. A court-martial is left to gather the definition from the usage of the sea service, as in all other offences not defined by the act, or by any express law; but this power to ascertain the definition of the offences is merely a part of the judicial power of all courts to ascertain the meaning of the general and ambiguous terms of statutes. It is not a legislative power to fix an arbitrary meaning, to create a new meaning, or extend an old meaning; still less to large the rest of the United States for the first circuit from 1812 to 1815. Second edition, with additional Notes and References, 2 vols. 8 vo. Boston, 1835.

"I should omit doing justice to my own feelings, as well as to the cause of truth, if I were not to select the decisions in Gallison's and Masson's Reports as specimens of pre-eminent merit. They may fairly be placed upon a level with the best is merely a part of the judicial power of all courts to ascertain the meaning of the general and ambiguous terms of statutes. It is not a legislative power to fix an arbitrary meaning, to create a new meaning, or extend an old meaning; still less to the first circuit from 1812 to 1815. Second edition, with additional Notes and References, 2 vols. 8 vo. Boston, 1835.

"I should omit doing justice to my own feelings, as well as to the cause of truth, if I were not to select the decisions in Gallison's and Masson's Reports as specimens of pre-eminent merit. They may fairly be placed upon a level with the best of the cause of truth, if I were not to select the decisions in Gallison's and Masson's Reports as specimens of pre-eminent merit. They may fairly be placed upon a level with the best of the cause of truth, if I were not to select the decisi create a new meaning, or extend an old meaning; still less to to extend it as to invade and override the rest of the criso to extend it as to invade and overrice the rest of the cri-minal law, and under pretence of defining one crime to con-found all crimes. Because oppression is not defined, it does not follow that other crimes are to lose their distinct and long-established and well settled definitions. Murder is still murder, and is not to be confounded with oppression or cruelty.

On all these grounds I pray the court to dismiss and quash the third specification to the fifth charge as null and void.

To all the other matters and charges which affect my inte-grity and honor I make no exceptions, and desire only a full and fair trial on the merits.
THOMAS AP C. JONES,

Late Commander of the Pacific Squadron.
Washington, December 17, 1850.

"Hon. John Y. Mason, Secretary of the Annual San To which report, in due time, and after my arrival at San Francisco, I received an answer, dated February 15, expressing the approbation of the Government, and directing me to bring them to trial. Herewith is the complete answer of Mr. Secretary Mason, of which I present to the court an authenticated copy, under seal of the Navy Department:

Navy Department:

Navy Department:

Navy Department:

Navy Department:

Navy Department:

State of the officers in charge of the Court and Alexant 15, 1349.

Went despatch of the 27th of July, 1848, with its endinged in the premise, and your state of the navy of the United States," approved 10th May, 1800.

The specification does not seek to inquire into the facts are approved in the premises, and approved in the premises and approved in the premises and approved in the premises and approved in the premise and app

charges him with the acts imputed to him as acts of oppression, for which he had no warrant or authority of law.

The question, therefore, which this court is called upon to decide is, whether the accused had such warrant and authority of law or not ! Its solution must depend upon the true construction of the

articles above cited.

The court is of opinion that, upon the true construction of those articles, the accused was invested with the power and authority of a "commander of a squadron while acting out of the United States," and might lawfully convene the courts, nd carry into execution the sentences referred to in this spe-

The court is further of opinion that the only facts specially charged in said specification amount to a charge of mor The infliction of the punishment of death therein specific The infliction of the punishment of death therein specified is charged to have been unlawful, because inflicted within the United States without the authority of the President. But it was so inflicted, then it is murder committed within the erritorial jurisdiction of the United States, and is not cognizable by this court.

The court, therefore, without inquiring into the matters of fact alleged by way of justification, (which do not apply to an objection to the face of the charges, and, if important, would regularly be the subject of proof upon the trial,) allows the exception of the third specification of the fifth charge, and orders the same to be quashed.

The court remarks that it finds nothing in the frame or

anguage of the charges to justify the criticism which has been made upon them, especially as the language used is the lan-guage of the law. Offences can only be charged in appro-priate language. But the court is to be influenced not by language of charges, but the facts which may be proved in ort of them.

apport of them.

The pieu of not guilty is received and entered to the caining charges and specifications.

IMPORTANT BOOK AGENCY.

GRAY, Seventh street, opposite Odd Fellows' Hall, A., keeps on sale, at New York prices, the entire publications of Robert Carter & Brothers, the American Tract Society, Methodist Book Concern, and other Religious Houses. Among the publications of the Messrs. Carters are—Baxter's, Bridges', Butler's, Blunt's, Bunyan's, Cecil's, Chalmer's, Rev. John A. Clark's, Cowper's, D'Aubigne's, Dick's, Dodridge's, Duncan's, Hamilton's, Hawker's, Hervey's, Henry's, Jay's, Kitto's, Krumacher's, Lowrie's, Old Humphrie's, Paley's, Pascal's, Philips's, Pollock's, Richmond's, Sigourney's, Jane Taylor's, Wilherforce's, Wilson's, and Young's works, and many other new and juvenile works, making one of the best selections of books any where offered for sale.

BOOKS PUBLISHED AND IN PRESS

By Charles C. Little & James Brown, Boston.

UNITED STATES STATUTES at Large, vol. 9.—Willbe published on the 1st of April next "The Statutes at
Large and Treaties of the United States of America, vol. 9."
comprising all the legislation of the Congress of the United
States from 1846 to 1851, inclusive, royal 8vo., about 1,100
pages. Price \$3.50, in superior law binding.

This volume is a continuation of the Statutes at Large in 8
vols., published by authority of Congress in 1845-56.

A complete Synoptical Index to the United States Statutes
at Large, including those of the 31st Congress, prepared under an order of the Senate, and to be published sgreeably to a
resolve of that honorable body, royal 8vo.

This Index will refer, under copious titles, to each law, and
every joint and Senate and House resolve, public or private,
which has been passed or adopted under the Federal Constitution, so that the reader may see at a glance the whole law on
any single subject. By Charles C. Little & James Brown, Bo

which has been passed or adopted under the Federal Constitution, so that the reader may see at a glance the whole law on any single subject.

Just published, Domat (M.) Civil Law in its Natural Order, translated into English by Wm. Strahan, L.L.D., Advocate in Doctors' Commons. Edited, from the second London Edition, by Hon. Luther S. Cushing, late one of the Judges in the Court of Common Pleas, now Lecturer on Civil and Parliamentary Law in Harvard University. In 2 vols. royal 8 vo. Among the writers on the Roman Law whose works are best known to English and American lawyers, and which have exerted the most influence upon our jurisprudence, is Domat, "whose work, entitled 'I he Civil Law in its Natural Order," says Judge Story, (Preface to Bailments,) "considering the age and the circumstances in which it was written, is a truly wonderful performance. His method is excellent, and his matter clear, exact, and comprehensive."

The object of the author, in this learned production, was to disembarrass those of the principles and provisions of the Boman law which are of general interest and application, from the technicalities of the system, and, by presenting them in a natural and scientific method, to render them more intelligible, and their attainment more useful and agreeable; and, though the work was particularly intended for and adapted to the French jurisprudence of the age, it is not less applicable to every system of law of which the Roman code is either a part, or in which it is recognised as a body of written reason. Besides the general claims which the work thus possesses to the attention of the American lawyer, Domat has a peculiar interest in those of the States whose legal institutions are derived in part from those of France or Spain, and are thus founded in the Roman law.

These reasons have induced a belief on the part of the publishers that a modern edition of this celebrated work would be acceptable to the profession, and have led them to engage in a republication of the English translation of i

From Hon. Judge Eustis, Chief Justice of the State of

lish language, such other s basis of a civil law library. I remain, gentlemen, very respectfully, your obedient GEORGE EUSTIS.

Messrs. LITTLE & BROWN. From Alfred Hennen, Esq., of the New Orleans Bar.

Boston, September 6. 1850. Mesers. LITTLE & BROWN-GENTLEMEN : I am much pleas-

the library of every American lawyer.
Your obedient servant,
ALPRED HENNES.

REPORTS OF CASES argued and determined in the Cir

vols. 8 vo.
"These Reports comprise the Pecisions of Mr. Justice

"These Reports comprise the Pecisions of Mr. Justice Story, on the First Circuit of the United States, and follow in order after Mr. Gallison's Reports, The Decisions relate to a great variety of subjects—Constitutional, Admiralty, Personal, and Real Law, and Chancery, and are characterized by the profound learning, acuteness, and thoroughness of research which are such eminent traits of their author. They will bear a favorable comparison, in point of learning and practical utility, with the best volumes of the English Reports."

Summer's Reports.—Summer, (Charles,) Reports of Cases argued and determined in the Circuit Court of the United States for the First Circuit. 3 vols. 8vo.

"These volumes contain the decisions of Mr. Justice Story, and form a continuation to the series of Gallison and Mason. The decisions in the present volumes relate particularly to questions of Equity and Admiralty, and are of great practical value."

Story's Reports.—Story, (William W.,) Reports of Cases

value."

Story's Reports.—Story, (William W.,) Reports of Cases argued and determined in the Circuit Court of the United States for the First Circuit. 3 vols. 8vo.

"These volumes form a continuation to the series of Gallison, Mason, and Sumner. They contain the last opinion everpronounced by Mr. Justice Story, who died while the last opinion in the third volume was yet undelivered."

Woodbury (Chas. L.) and Minot, (George,) Reports of Cases argued and determined in the Circuit Court of the United States for the First Gircuit. Vols. 1 and 2

"These volumes contain the Decisions of the Hon. Levi Woodbury, appointed to succeed Mr. Story as Assistant Justice for the First District."

Vol. 3, in press.

tice for the First District."
Vol. 3, in press.

Howard's Supreme Court Reports — Howard, (Benjamin C.) Reports of Cases argued and adjudged in the Supreme Court of the United States. Vols. 4, 5, 6, 7, and 8.

These Reports follow Peters's, and with those Reports, and Dallas, Cranch, and Wheaton's, comprise all the decisions of the highest C art known to our Law.

Story on the Constitution, comprising the Constitutional History of the United States, a new edition in 2 vols. 8vo.

307 In press, will be ready in March.

dec 25—3t

BALTIMORE LIFE INSURANCE COMPANY.

No. 15 SOUTH STREET. JOHN I. DONALDSON, PRISIDER

THIS COMPANY proposes to insure lives for one or more years, or for life, at the EXEDUCED rates specified in the following table, being as low as safety to the assured and to the Company would justify; with these rates the assured enjoys the benefit of an immediate in lieu of a prospective and uncertain bonus. He risks neither his policy nor the premium that he has paid. Insurance on Lives on every Hundred Dollars.

45. 1.65. 1.78. 3.47 60. 3.46. 4.34. 6.68

Intermediate ages as params may be made payable annually, seminary be made payable annually, seminary terly, at the option of the assured.

Buys and sells Annuities.

Sells Endowments for children.

Makes Contracts in which life or the interest of money is makes Contracts in which life or the interest of money is RICHARD B. DORSEY, Secretary.

RICHARD B. DORSEY, Secretary. Intermediate ages at proportionate rates, and these premi-ms may be made payable annually, a emi-annually, or quar-

OHARLES W. PAIRO Agent for the Baltimore Life In-urance Company, would call public attention to the reduced rates of premium now charged. All Premiums or Policiesisis-the District to be paid at his office, corner of f and 15th-streets, where applications for new policies can be made.

A NNUALS FOR GIFTS, 1881, AND JUVE. A nile Books can, be found in the greatest profusion and TAYLOR & MAURY'S. variety at

Bookstore, near 9th street.
Friendship's Offering; The Garland; The Christmas Tribute; The Snow Flake; The Ladies' Gift; The English Book of Beauty; The Irving Offering; The American Keepsake; The Gem of the Season; The Gift of Friendship; The Iris.

Reantiful Bibles and Prayer Books, with many other illus-

trated works for presents.